

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION**

**PATRICK POUNTNEY,
ROBERT BENTLEY, and
JAIME TRUDEAU,**
Individually and on behalf of
all those similarly situated,

Plaintiffs,

v.

Case No. 25-CV-560

**CAFE CORAZON INC.,
GW MIRELES INC.,
CAFE CORAZON BROWN DEER INC.,
CAFE CORAZON MEQUON INC.,
GEORGE MIRELES, and
WENDY MIRELES,**

Defendants.

COMPLAINT

PRELIMINARY STATEMENT

1. Plaintiffs, Patrick Pountney, Robert Bentley, and Jaime Trudeau, bring individual and representative tip claims under the Fair Labor Standards Act against Defendants, GW Mireles Inc., Cafe Corazon Inc., Cafe Corazon Mequon Inc., Cafe Corazon Brown Deer Inc., George Mireles, and Wendy Mireles. Plaintiffs and the putative Collective were employed as front-of-house employees at Cafe Corazon restaurants operated by Defendants. Defendants operated a mandatory tip pool and

allowed managers and supervisors to keep a portion of front-of-house employees' tips in violation of 29 U.S.C. § 203(m)(2)(B).

PARTIES

2. Patrick Pountney is an adult resident of Milwaukee County, Wisconsin.

3. Patrick Pountney's consent to join form is filed as Exhibit 1 to this Complaint.

4. Robert Bentley is an adult resident of Milwaukee County, Wisconsin.

5. Robert Bentley's consent to join form is filed as Exhibit 2 to this Complaint.

6. Jaime Trudeau is an adult resident of Milwaukee County, Wisconsin.

7. Jaime Trudeau's consent to join form is filed as Exhibit 3 to this Complaint.

8. Cafe Corazon Inc. is a business corporation incorporated under the laws of Wisconsin.

9. Cafe Corazon Inc.'s registered agent is John J. Germanotta, 1733 North Farwell Avenue, Milwaukee, WI 53202.

10. GW Mireles Inc. is a business corporation incorporated under the laws of Wisconsin.

11. GW Mireles Inc.'s registered agent is John J. Germanotta, 1733 North Farwell Avenue, Milwaukee, WI 53202.

12. Cafe Corazon Brown Deer Inc. is a business corporation incorporated under the laws of Wisconsin.

13. Cafe Corazon Brown Deer Inc.'s registered agent is John J. Germanotta, 1733 North Farwell Avenue, Milwaukee, WI 53202.

14. Cafe Corazon Mequon Inc. is a business corporation incorporated under the laws of Wisconsin.

15. Cafe Corazon Mequon Inc.'s registered agent is John J. Germanotta, 1733 North Farwell Avenue, Milwaukee, WI 53202.

16. George Mireles is an adult resident of Milwaukee County, Wisconsin.

17. George Mireles resides at 6921 North Berwyn Avenue, Glendale, WI 53209.

18. Wendy Mireles is an adult resident of Milwaukee County, Wisconsin.

19. Wendy Mireles resides at 6921 North Berwyn Avenue, Glendale, WI 53209.

20. The Collective is defined as:

All persons who are or were employed as front-of-house employees, excluding managers and supervisors, at Cafe Corazon restaurants and who contributed to a tip pool at any time during the three years from filing this complaint.

JURISDICTION AND VENUE

21. The Court has original jurisdiction over Plaintiffs' FLSA claims under 28 U.S.C. § 1331.

22. Venue is proper in the United States District Court for the Eastern District of Wisconsin under 28 U.S.C. § 1391(b)(2) because a substantial part of the

events and omissions giving rise to these claims occurred in this district and under 28 U.S.C. § 1391(b)(1) because Defendants reside in this district.

FACTUAL ALLEGATIONS

23. Cafe Corazon is a restaurant that serves Latin cuisine.

24. At times in the past three years, there have been four Cafe Corazon locations in Wisconsin.

Cafe Corazon-Riverwest

25. One Cafe Corazon location is located at 3129 North Bremen Street, Milwaukee, WI 53212 (hereinafter “Cafe Corazon-Riverwest”).

26. Cafe Corazon Inc. operates Cafe Corazon-Riverwest.

27. George Mireles is an owner of Cafe Corazon Inc.

28. Wendy Mireles is an owner of Cafe Corazon Inc.

29. Cafe Corazon-Riverwest opened in 2009.

30. Cafe Corazon-Riverwest is currently in operation.

31. On information and belief, in each of the three years preceding the filing of this action, Cafe Corazon Inc.’s gross annual business was \$500,000 or more.

32. At times in the past three years, Jaime Trudeau worked as front-of-house employees at Cafe Corazon-Riverwest.

33. Jaime Trudeau processed credit card payments from customers using the internet at Cafe Corazon-Riverwest numerous times during each shift.

34. Jaime Trudeau received tips for her work at Cafe Corazon-Riverwest.

35. Jaime Trudeau contributed to a mandatory tip pool at Cafe Corazon-Riverwest.

36. As a result of Cafe Corazon Inc.'s unlawful tip pool practices, managers or supervisors retained a portion of Jaime Trudeau's tips.

Cafe Corazon-Bay View

37. One Cafe Corazon location is located at 2394 South Kinnickinnic Avenue, Milwaukee, WI 53207 (hereinafter "Cafe Corazon-Bay View").

38. GW Mireles Inc. operates Cafe Corazon-Bay View.

39. George Mireles is an owner of GW Mireles Inc.

40. Wendy Mireles is an owner of GW Mireles Inc.

41. Cafe Corazon-Bay View opened in 2016.

42. Cafe Corazon-Bay View is currently in operation.

43. On information and belief, in each of the three years preceding the filing of this action, GW Mireles Inc.'s gross annual business was \$500,000 or more.

44. At times in the past three years, Patrick Pountney as front-of-house employees at Cafe Corazon-Bay View.

45. Patrick Pountney processed credit card payments from customers and/or placed orders using the internet at Cafe Corazon-Bay View numerous times during each shift.

46. Patrick Pountney received tips for his work at Cafe Corazon-Bay View.

47. Patrick Pountney contributed to a mandatory tip pool at Cafe Corazon-Bay View.

48. As a result of GW Mireles Inc.'s unlawful tip pool practices, managers or supervisors retained a portion of Patrick Pountney's tips.

Cafe Corazon-Brown Deer

49. One Cafe Corazon location is located at 4102 West Bradley Road, Brown Deer, WI 53209 (hereinafter "Cafe Corazon-Brown Deer").

50. Cafe Corazon Brown Deer Inc. operates Cafe Corazon-Brown Deer.

51. George Mireles is an owner of Cafe Corazon Brown Deer Inc.

52. Wendy Mireles is an owner of Cafe Corazon Brown Deer Inc.

53. Cafe Corazon-Brown Deer opened in 2022.

54. Cafe Corazon-Brown Deer is currently in operation.

55. On information and belief, in each of the three years preceding the filing of this action, Cafe Corazon Brown Deer Inc.'s gross annual business was \$500,000 or more.

56. At times in the past three years, Robert Bentley as front-of-house employees at Cafe Corazon-Brown Deer.

57. Robert Bentley processed credit card payments from customers using the internet at Cafe Corazon-Brown Deer numerous times during each shift.

58. Robert Bentley received tips for his work at Cafe Corazon-Brown Deer.

59. Robert Bentley contributed to a mandatory tip pool at Cafe Corazon-Brown Deer.

60. As a result of Cafe Corazon Brown Deer Inc.'s unlawful tip pool practices, managers or supervisors retained a portion of Robert Bentley's tips.

Cafe Corazon-Mequon

61. One Cafe Corazon location was located in the Mequon Public Market at 6300 West Mequon Road, Mequon, WI 53092 (hereinafter “Cafe Corazon-Mequon”).

62. Cafe Corazon Mequon Inc. operated Cafe Corazon-Mequon.

63. George Mireles is an owner of Cafe Corazon Mequon Inc.

64. Wendy Mireles is an owner of Cafe Corazon Mequon Inc.

65. Cafe Corazon-Mequon opened in 2018.

66. Cafe Corazon-Mequon closed in 2022.

67. On information and belief, Cafe Corazon Mequon Inc.’s gross annual business was \$500,000 or more in 2022.

68. At times in the past three years, Robert Bentley worked as front-of-house employees at Cafe Corazon-Mequon.

69. Robert Bentley processed credit card payments from customers using the internet at Cafe Corazon-Mequon numerous times during each shift.

70. Robert Bentley received tips for his work at Cafe Corazon-Mequon.

71. Robert Bentley contributed to a mandatory tip pool at Cafe Corazon-Mequon.

72. As a result of Cafe Corazon Mequon Inc.’s unlawful tip pool practices, managers or supervisors retained a portion of Robert Bentley’s tips.

Cafe Corazon’s Mandatory Tip Pool Practices

73. Each Cafe Corazon location is overseen by the same members of Café Corazon's upper management team.

74. Each Cafe Corazon location is subject to the same set of employment policies and practices.

75. Each Cafe Corazon location is subject to the same set of compensation policies and practices.

76. The Cafe Corazon handbook states:

Cafe Corazón operates separate locations in River West, Bay View, Mequon, and Brown Deer. The legal entity names of Cafe Corazón are Cafe Corazón Inc. (Riverwest), GW Mireles Inc (Bay View), Cafe Corazón Mequon Inc (Mequon) and Cafe Corazón Brown Deer Inc. (Brown Deer), all of which operate and do business under the name "Cafe Corazón." This Handbook applies equally to employees at each location.

77. Cafe Corazon Inc., GW Mireles Inc., Cafe Corazón Mequon Inc., and Cafe Corazon Brown Deer Inc. have operated as a single enterprise.

78. Each Cafe Corazon location has engaged in the same mandatory tip pool practices.

79. Defendants operate a mandatory tip pool for cash tips.

80. Defendants record all cash tips that their front-of-house employees earn at the end of each shift.

81. Defendants record all hours worked by their managers, supervisors, and front-of-house employees in that shift.

82. Defendants then divide the amount of cash tips by the number of hours worked in that shift to calculate the hourly cash tip rate.

83. Defendants then pay managers, supervisors, and front-of-house employees an amount equal to the hourly cash tip rate multiplied by the number of hours the individual worked that shift.

84. Defendants thus allow managers or supervisors to keep a portion of their front-of-house employees' cash tips through a mandatory tip pool.

85. Defendants operate a mandatory tip pool for credit card tips.

86. Defendants record all credit card tips that their front-of-house employees earn at the end of each pay period.

87. Defendants record all hours worked by their managers, supervisors, and front-of-house employees in that pay period.

88. Defendants then divide the amount of credit card tips by the number of hours worked in that pay period to calculate the hourly credit card tip rate.

89. Defendants then pay managers, supervisors, and front-of-house employees an amount equal to the hourly credit card tip rate multiplied by the number of hours the individual worked that pay period.

90. Defendants thus allow managers or supervisors to keep a portion of their front-of-house employees' credit card tips through a mandatory tip pool.

91. Plaintiffs and Collective were subject to the foregoing tip pool practices and suffered the loss of tips as a result of those practices.

92. George Mireles was responsible for fielding complaints about wages, tips, payroll records, and timekeeping at all Cafe Corazon locations.

93. George Mireles had the authority to resolve complaints about wages, tips, payroll records, and timekeeping by Plaintiffs and the Collective.

94. George Mireles communicated to Plaintiffs and the Collective about their wages and tips and disputes about their wages and tips.

95. George Mireles had the authority to hire and fire Plaintiffs and the Collective.

96. George Mireles assisted in the administration of payroll for Plaintiffs and the Collective.

97. George Mireles had the authority to pay Plaintiffs and the Collective.

98. George Mireles had the authority to set the compensation policies and practices of all Cafe Corazon locations, related to Plaintiffs and the Collective, including the tip pool practices.

99. George Mireles decided to allow managers and supervisors to retain portions of Plaintiffs' and the Collective's tips.

100. Wendy Mireles was responsible for fielding complaints about wages, tips, payroll records, and timekeeping at all Cafe Corazon locations.

101. Wendy Mireles had the authority to resolve complaints about wages, tips, payroll records, and timekeeping by Plaintiffs and the Collective.

102. Wendy Mireles communicated to Plaintiffs and the Collective about their wages and tips and disputes about their wages and tips.

103. Wendy Mireles had the authority to hire and fire Plaintiffs and the Collective.

104. Wendy Mireles assisted in the administration of payroll for Plaintiffs and the Collective.

105. Wendy Mireles had the authority to pay Plaintiffs and the Collective.

106. Wendy Mireles had the authority to set the compensation policies and practices of all Cafe Corazon locations, related to Plaintiffs and the Collective, including the tip pool practices.

107. Wendy Mireles decided to allow managers and supervisors to retain portions of Plaintiffs' and the Collective's tips.

CLAIM FOR RELIEF:
TIP THEFT IN VIOLATION OF 29 U.S.C. 203(m)(2)(B)

108. Plaintiffs, on their own behalf and on behalf of the Collective, allege and incorporate by reference the preceding allegations.

109. Cafe Corazon Inc. has been, and continues to be, an employer within the meaning of 29 U.S.C. § 203(d).

110. GW Mireles Inc. has been, and continues to be, an employer within the meaning of 29 U.S.C. § 203(d).

111. Cafe Corazon Brown Deer Inc. has been, and continues to be, an employer within the meaning of 29 U.S.C. § 203(d).

112. Cafe Corazon Mequon Inc. has been, and continues to be, an employer within the meaning of 29 U.S.C. § 203(d).

113. Cafe Corazon Inc., GW Mireles Inc., Cafe Corazon Brown Deer Inc., Cafe Corazon Mequon Inc., Wendy Mireles, and George Mireles jointly employed Plaintiffs and the Collective.

114. Patrick Pountney was an employee of GW Mireles Inc. within the meaning of 29 U.S.C. § 203(e).

115. Robert Bentley was an employee of Cafe Corazon Brown Deer Inc. within the meaning of 29 U.S.C. § 203(e).

116. Robert Bentley was an employee of Cafe Corazon Mequon Inc. within the meaning of 29 U.S.C. § 203(e).

117. Jaime Trudeau is an employee of Cafe Corazon Inc. within the meaning of 29 U.S.C. § 203(e).

118. The Collective are or were employees of Defendants within the meaning of 29 U.S.C. § 203(e).

119. Defendants have allowed managers or supervisors to keep a portion of Plaintiffs' and Collective's tips in violation of 29 U.S.C. § 203(m)(2)(B).

120. Defendants knew that, or showed reckless disregard for whether, their conduct violated the FLSA.

121. Defendants' operation of an illegal tip pool was willfully perpetrated.

REQUEST FOR RELIEF

Plaintiffs, on their own behalf and on behalf of the Collective, request the following relief:

A. An order designating this action as a collective action and issuance of notice pursuant to 29 U.S.C. § 216(b) to the Collective.

B. Leave to add additional plaintiffs by motion, the filing of written consent forms, or any other method approved by the Court;

C. An order declaring that Defendants maintained policies and practices that violated 29 U.S.C. § 203(m)(2)(B);

D. An order finding that Defendants violated 29 U.S.C. § 203(m)(2)(B);

E. Judgment against Defendants in the amount of the sum of any tip credit taken and all such tips unlawfully kept, and in an additional equal amount as liquidated damages, from Plaintiffs and the Collective;

F. An award of all costs and attorneys' fees incurred in the prosecution of this action pursuant to the FLSA; and

G. Any further relief that the Court deems just and equitable.

Dated: April 17, 2025

s/ Connor J. Clegg

Connor J. Clegg

State Bar Number 1118534

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